

November 23, 2011

Received

NOV 28 2011

Via Federal Express

Emergency Enforcement
Services Section

William Ryczek
U.S. Environmental Protection Agency
Enforcement Services Section # 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: **Pharmacia's Response to U.S. EPA's Request for Information
Pursuant to Section 104 of CERCLA for Milwaukee Die Casting
Company at 4132 North Holton Street, Milwaukee, Wisconsin**

Dear Mr. Ryczek:

I write on behalf of Pharmacia Corporation in response to the above-referenced request for information and documents (the "Request"). Enclosed with this letter are Pharmacia's objections and responses to the Request and a compact disc containing electronic copies of all non-privileged, non-confidential documents in Pharmacia's possession, custody, or control that were identified during diligent review of Pharmacia's documents as responsive to one or more items in the Request. I am sending under separate cover a compact disc containing electronic copies of responsive documents that contain confidential information. Please contact me if you have any questions.

Very truly yours,



Scott M. Watson

6226127

Cc: Ms. Sally Fisk



SCOTT M. WATSON

616.752.2465
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swatson@wnj.com

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Re: **Pharmacia's Response to U.S. EPA's Request for Information
Pursuant to Section 104 of CERCLA for Milwaukee Die Casting
Company at 4132 North Holton Street, Milwaukee, Wisconsin**

Dear Mr. Ryczek:

I write on behalf of Pharmacia Corporation in response to the above-referenced request for information and documents (the "Request"). Enclosed with this letter are Pharmacia's objections and responses to the Request and a compact disc containing electronic copies of all non-privileged, non-confidential documents in Pharmacia's possession, custody, or control that were identified during diligent review of Pharmacia's documents as responsive to one or more items in the Request. I am sending under separate cover a compact disc containing electronic copies of responsive documents that contain confidential information. Please contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Scott M. Watson'.

Scott M. Watson

6226127

Cc: Ms. Sally Fisk

Pharmacia's Response to U.S. EPA's Request for Information Pursuant to Section 104 of CERCLA for Milwaukee Die Cast at 4132 North Holton Street, Milwaukee, Wisconsin.

GENERAL OBJECTIONS

In responding to the Request, Pharmacia has undertaken a diligent and good-faith search for and review of information and documents in its possession, custody, and control, including over one hundred hours spent in reviewing thousands of record inventories, thousands of records, and over a hundred boxes in an effort to identify and provide all information and documents responsive to the Request. That said, Pharmacia does not represent or warrant that all responsive documents have been identified during this review and Pharmacia reserves the right to voluntarily supplement its responses at any time should additional information become available. Pharmacia asserts the following general privileges, protections, and objections with respect to the Request.

1. Pharmacia asserts all available privileges and protections, including the attorney-client privilege, the attorney work-product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, the joint defense privilege, and any other privilege or protection available to it under law. Pharmacia is not providing privileged documents. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the Request, Pharmacia asks that any such document be returned to Pharmacia immediately.
2. In the event that a document containing CBI or trade secrets has been inadvertently included among the non-CBI documents provided in response to the Request, Pharmacia asks that any such documents be returned to Pharmacia immediately upon request of Pharmacia so that Pharmacia may resubmit the document in accordance with the applicable requirements for the submission of CBI or trade secrets.
3. Pharmacia objects to Instruction 3 to the extent it seeks to require Pharmacia to seek out responsive information from former employees/agents. Pharmacia is providing information within its possession, custody, and control.
4. Pharmacia objects to Instruction 5. Pharmacia is responding to this Request with information within its possession, custody, and control, and Pharmacia will similarly comply with any lawful future requests that are within EPA's authority. Pharmacia reserves the right to voluntarily supplement its responses at any time should additional information become available.
5. Pharmacia objects to the Request's definition of "documents." Pharmacia disclaims any responsibility to search for, locate, or provide EPA with copies of any documents "known [by Pharmacia] to exist" but not in Pharmacia's possession, custody, or control. Further, Pharmacia objects to the definition of "documents" as overly broad and unduly burdensome.
6. Pharmacia objects to the Request to the extent that it asks Pharmacia to separately provide information that is contained in documents furnished to or already in the possession of the EPA. Where documents are or were previously provided to the EPA in connection with a

Response, any information sought by EPA that is set forth in those documents is not separately stated in this Response. The answer to such requests can be determined by examining the provided documents, and the burden of that examination is the same for Pharmacia and EPA. Requiring Pharmacia to separately provide an answer, rather than referring to the provided documents, would be unduly burdensome.

OBJECTIONS AND RESPONSES

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

Pharmacia objects to this request as unduly burdensome and unreasonable. Many people were consulted in the preparation of these responses, but only a small number were consulted in a material capacity. The following persons were consulted in the preparation of these Responses:

Michael L. Robinson
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, MI 49503-2487
Telephone: (616) 752-2128
E-mail: mrobinson@wnj.com
(general aspects of response)

Scott M. Watson
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900 Fifth Third Center
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E-mail: swatson@wnj.com
(general aspects of response)

Sally Fisk
Senior Corporate Counsel
Pfizer Inc.
(MS 235/25/1)
235 East 42nd Street
New York, NY 10017-5755
Telephone: (212) 733-0062
E-mail: sally.fisk@pfizer.com
(general aspects of response)

Stephen Markus
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street NW

Washington, DC 20037
E-mail: stephen.markus@pillsburylaw.com
(general aspects of response)

Ben Clapp
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005
E-mail: ben.clapp@skadden.com
(general aspects of response)

Additional Pfizer employees consulted in preparation of the response but who were unable to provide responsive information to this request:

Stephen O'Sullivan, Assistant General Counsel
Gina Weaver, Assistant Controller
Tricia Brosnan, Vice President
Neal Masia, VP & Assistant Treasurer
Camilla Uden, VP & Assistant Treasurer
Susan Grant, Sr. Manager

2. **Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.**

Pharmacia objects to this request as unduly burdensome and unreasonable. Numerous documents were consulted in the preparation of this Response. Most of those documents were non-responsive, privileged, or both. Pharmacia is providing non-privileged documents that are responsive to the Request and that were not already provided in Pharmacia's April, 2011, Response.

3. **Describe the nature and extent of any ownership interest that Monsanto may have had in Fisher Controls Company, Inc. (Fisher) and Milwaukee Die Casting Co., Inc.**

Monsanto acquired a stock ownership interest in Fisher on August 12, 1969. Monsanto sold its interest in Fisher to Emerson Electric under an acquisition agreement dated September 11, 1992. Pharmacia did not identify any information or documents indicating that Monsanto ever had an ownership interest in Milwaukee Die Casting Company, Inc.

4. **Provide a history (e.g., payment dates, amounts received, etc.) of dividends received by Monsanto and Fisher from Milwaukee Die Casting Co., Inc. resulting from each entity's ownership of capital stock in Milwaukee Die Casting Co., Inc.**

It is believed that on August 18, 1981, the Milwaukee Die Casting Co., Inc. Board of Directors approved a dividend of \$4,600 per share to be paid to shareholders of record on August 21, 1981. As Fisher was the sole shareholder of Milwaukee Die Casting Co., Inc., it is believed that Fisher was the sole recipient of this dividend.

Pharmacia did not identify any documents or other information regarding additional dividends paid by Milwaukee Die Casting Co., Inc.

5. **Provide a history (e.g., payment dates, amounts received, etc.) of dividends received by Monsanto from Fisher resulting from its ownership of capital stock in Fisher.**

Pharmacia did not identify any documents or information responsive to this question.

6. **Did Monsanto and/or Fisher ever provide any assistance, guidance, advice or input of any nature to Milwaukee Die Casting Company, Inc. in the preparation or formulation of Milwaukee Die Casting Company, Inc.'s business strategy, business goals, budgets, forecasts, etc.? If so, explain in detail.**

Please see the materials provided in Pharmacia's April 11, 2011, Response, as well as Fisher's November 2, 2011, Response. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in Fisher's Response. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

7. **Did Monsanto ever provide any assistance, guidance, advice or input of any nature to Fisher in the preparation or formulation of Fisher's business strategy, business goals, budgets, forecasts, etc.? If so, explain in detail.**

Pharmacia did not identify any documents or information responsive to this question.

8. **Describe Monsanto's role in Fisher's acquisition of the Milwaukee Die Casting Co. Provide any correspondence between Monsanto and Fisher, or between Monsanto and Milwaukee Die Casting Co., that concerns that acquisition.**

Approval from the Monsanto Board of Directors was required prior to Fisher's acquisition of MDCC. Such approval was granted by the Monsanto Board of Directors on December 6, 1974. A copy of the Board minutes relating to such approval and the underlying documentation considered by the Board in granting such approval have been included on the compact disc enclosed with this Response. Please also see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

9. **Has Monsanto and/or Fisher ever made any loan(s) to Milwaukee Die Casting Company, Inc.? If so, provide complete information pertaining to such loan(s), including copies of all loan documentation (i.e., loan agreements, promissory notes,**

guarantees, security agreement, financing statements, amortization/payment tables), and complete information pertaining to any assignment, extension, composition, restructuring, etc. of such loan(s). For the purposes of this question, "loan" shall include the establishment of a line of credit by Monsanto or Fisher for the use and/or benefit of Milwaukee Die Casting Company, Inc., whether or not such line of credit has ever been drawn on.

Pharmacia did not identify any documents or information regarding loans by Monsanto or Fisher to Milwaukee Die Casting Company, Inc.

10. Has Monsanto ever made any loan(s) to Fisher? If so, provide complete information pertaining to such loan(s), including copies of all loan documentation (i.e., loan agreements, promissory notes, guarantees, security agreements, financing statements, amortization/payment tables), and complete information pertaining to any assignment, extension, composition, restructuring, etc. of such loan(s). For the purposes of this question, "loan" shall include the establishment of a line of credit by Monsanto for the use and/or benefit of Fisher, whether or not such line of credit has ever been drawn on.

Pharmacia did not identify any documents or information regarding loans by Monsanto to Fisher.

11. Has Monsanto and/or Fisher ever provided, any clerical, administrative, professional, or other services or assistance to Milwaukee Die Casting, Inc.? If so, provide a complete description of the nature of services or assistance provided, along with the time period(s) during which such services or assistance was provided.

Pharmacia has identified three audits performed by Monsanto of Milwaukee Die Casting Company operations in 1976 (industrial hygiene), 1977 (safety and loss prevention) and 1981 (industrial hygiene).

12. Has Monsanto ever provided, any clerical, administrative, professional, or other services or assistance to Fisher? If so, provide a complete description of the nature of services or assistance provided, along with the time period(s) during which such services or assistance was provided.

Pharmacia did not identify any documents or information responsive to this question.

13. Has Monsanto and/or Fisher ever leased or rented any furnishings, fixtures, equipment, personal, or real property to Milwaukee Die Casting, Inc.? If so, provide a complete description of the type of property leased or rented, and the terms and duration of such arrangement.

Pharmacia did not identify any documents or information responsive to this question.

14. Has Monsanto ever leased or rented any furnishings, fixtures, equipment, personal, or real property to Fisher? If so, provide a complete description of the type of property leased or rented, and the terms and duration of such arrangement.

Pharmacia did not identify any documents or information responsive to this question.

- 15. Has Monsanto and/or Fisher ever provided any training of any nature to any director, officer, or employee of Milwaukee Die Casting, Inc.? If so, provide a complete description of such training, including the nature of the training, who it was offered to, who participated in it (both as instructors and instructees), and when and where it was conducted. Also, specifically address the training that Earl Suess attended at Monsanto headquarters.**

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 16. Has Monsanto ever provided any training of any nature to any director, officer or employee of Fisher? If so, provide a complete description of such training, including the nature of the training, who it was offered to, who participated in it (both as instructors and instructees), and when and where it was conducted.**

Pharmacia did not identify any documents or information responsive to this question.

- 17. Has Monsanto and/or Fisher ever acted directly or indirectly to guarantee any loan made to Milwaukee Die Casting, Inc.? If so, provide complete information regarding such arrangement, including copies of all documents pertaining to such arrangement.**

Pharmacia did not identify any documents or information responsive to this question.

- 18. Has Monsanto ever acted directly or indirectly to guarantee any loan made to Fisher? If so, provide complete information regarding such arrangement, including copies of all documents pertaining to such arrangement.**

Pharmacia did not identify any documents or information responsive to this question.

- 19. Was Milwaukee Die Casting, Inc. required to, or did Milwaukee Die Casting, Inc., receive, approval or concurrence from Monsanto or Fisher when making expenditures? If so, explain in detail. Also, specifically address the related statements of James Boyd on pages 17 and 18 of his January 4, 1995 deposition.**

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was

filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

20. Was Fisher required to, or did Fisher receive, approval or concurrence from Monsanto when making any decisions? If so, explain in detail.

Fisher was required to seek approval from the Monsanto Board of Directors prior to pursuing any corporate action such as an acquisition or divestiture, or undertaking any large expenditure. Examples of such expenditures include the use of funds for equipment replacement. The threshold amount that triggered the Monsanto Board approval requirement was not identified in the documents reviewed by Pharmacia. Documents relating to Monsanto Board approvals of Fisher corporate actions and expenditures are included in the enclosed compact disc.

21. Have any of Milwaukee Die Casting, Inc.'s employees ever been employed by Monsanto or Fisher? If so, provide each such employee's name, job title, and dates of employment.

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

22. Have any of Fisher's employees ever been employed by Monsanto? If so, provide each such employee's name, job title, and dates of employment.

J. William Fisher was a former President of Fisher, including during the period that Fisher was acquired by Monsanto. Mr. Fisher also served on the Monsanto Board of Directors from 1971 through early 1983. In March of 1979, Edmond S. Bauer resigned as an officer of Monsanto in order to assume the role of Chief Executive and President of Fisher. However, Mr. Bauer remained a member of the Monsanto Board of Directors.

23. Have Monsanto or Fisher and Milwaukee Die Casting, Inc. ever had common directors? If so, provide the names and dates of service of such directors.

Please see the materials already provided in Pharmacia's April 11, 2011, Response, as well as Fisher's November 2, 2011, Response. In particular, Pharmacia refers you to the

pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

24. Have Monsanto and Fisher ever had common directors? If so, provide the names and dates of service of such directors.

J. William Fisher served on the Monsanto Board of Directors from 1971 until early 1983. Mr. Fisher also served as Chairman of the Fisher Board of Directors from 1965 until 1974.

25. Identify all persons, including your employees, who may have knowledge, information or documents about the generation, use, purchase, treatment, storage, disposal or other handling of materials at or transportation of materials to the Site.

Please see the materials already provided in Pharmacia's April 11, 2011, Response, as well as Fisher's November 2, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

26. For any persons identified in Response 25, describe that person's acts or failure to act that may have caused a release of hazardous substances at the Site.

Please see the materials already provided in Pharmacia's April 11, 2011, Response, as well as Fisher's November 2, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

27. Did Monsanto or Fisher, or any of their subsidiaries ever use, purchase, receive, process, generate, store, treat, dispose, or otherwise handle at the Site any

hazardous substances (including but not limited to PCBs)? If the answer to the preceding question is anything but an unqualified "no" identify:

- a) In general terms, the nature and quantity of the hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled at the Site;**
- b) The persons who supplied each such hazardous substance to the Site;**
- c) How each substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled at the Site;**
- d) When each substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled at the Site.**

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 28. Identify all leaks, spills, or releases into the environment or into any subsurface disposal system or floor drain of any hazardous substances, pollutants, or contaminants (including but not limited to PCBs) that have occurred at or from the Site. In addition, identify:**
- a) When such release occurred;**
 - b) How the release occurred (e.g. when the substances were being stored, delivered by a vendor, transported or treated);**
 - c) The amount of each hazardous substance, pollutant, or contaminant so released;**
 - d) The location of such release;**
 - e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;**
 - f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground or surface), or air testing taken;**

- g) **All persons with information relating to these releases: and**
- h) **Address the statements by Willie Means and Ken Worzalla that indicate intentional dumping occurred in the parking lot of the facility after Fisher's acquisition of the Milwaukee Die Casting Company.**

Pharmacia identified an incident response report regarding an August 1, 2000, response to a container of unknown product discovered outside an abandoned building at 4132 N. Holton, Milwaukee, Wisconsin. In addition, please also see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the technical documents provided with its March 24, 2011, correspondence and the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

29. **At any point did Monsanto, Fisher, or any of their subsidiaries use, store, or dispose of Pydraul? If the answer to the preceding question is anything other than an unqualified "no," provide:**
- a) **The identity of the entity from whom Pydraul was purchased;**
 - b) **The dates on which Pydraul was purchased; and**
 - c) **Copies of the transcripts that documented such purchases (e.g. invoices, receipts, etc.)**

Pharmacia has identified reports, invoices, and correspondence indicating Pydraul customers. In addition, please also see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

30. **At any point, did Monsanto, Fisher, or any of their subsidiaries undertake an effort to purge Pydraul from all equipment at the Site and safely dispose of it? If the answer to the preceding question is anything other than an unqualified "no," identify:**

- a) The dates during which Pydraul was purged from the equipment;
- b) A description of the process by which Pydraul was purged from the equipment;
- c) A description of the manner in which Pydraul was handled, treated, and/or disposed;
- d) Specifically describe the manner in which Monsanto and Fisher were involved in those efforts, including the involvement of Phocion S. Park and Dr. John Craddock;
- e) Describe whether Pydraul ever leaked or released during the purging and disposal process; and
- f) Provide all memorandum, reports, invoices, receipts, and any other documentation related to the purging, cleanup, and disposal of Pydraul.

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

31. Has any contaminated soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything other than an unequivocal "no," identify:

- a) Amount of soil excavated;
- b) Location of the excavation;
- c) Manner and place of disposal and/or storage of excavated soil;
- d) Dates of soil excavation;
- e) Identity of persons who excavated the soil; and
- f) Reasons for soil excavation.

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the technical documents provided with its March 24, 2011, correspondence and the pleadings, briefs, and depositions in the action captioned *Milwaukee Die*

Casting Co. v. Fisher Controls International, Inc. (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 32. Identify what, if any, reports, statements or other documents the officers or directors of Fisher or Monsanto wrote or received regarding the operations of Milwaukee Die Casting Company, Inc. and describe what, if any, information the officers and directors received concerning the operations of the Facility.**

As stated in response to Question 8, a presentation regarding the potential acquisition of MDCC by Fisher was made to the Monsanto Board of Directors prior to the Board's granting approval of approval for such acquisition. Please also see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 33. Identify any employees, officers, or directors of Fisher or Monsanto who participated in discussions or other communications regarding any decision related to PCB's on the facility property. Provide all documentation related to such discussions.**

Pharmacia has identified correspondence between Fisher and Milwaukee Die Casting Company pertaining to the presence of PCBs at the Milwaukee Die Casting Company facility in the context of settlement discussions. In addition, please also see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 34. State whether any officers or directors of Fisher or Monsanto approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose of wastes**

from the facility at the Site. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness. Provide all documentation related to such disposal.

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions briefs in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 35. Were any reports discussing waste disposal practices at the Facility ever received by officers or directors of Fisher or Monsanto? If your answer to this question is in the affirmative indicate (i) when such reports were received, (ii) who the originator of such reports was, (iii) who such reports were directed to, and (iv) the content of such reports. If such reports are in your possession or control, submit copies of such reports to EPA.**

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 36. Describe all related transactions that apply to Milwaukee Die Casting, Inc. This is to include all transactions between this entity and any and all of the following:**
- a) Fisher;**
 - b) All subsidiaries of Fisher;**
 - c) Monsanto;**
 - d) The stock holders of Fisher;**
 - e) The stock holders of Monsanto; and**
 - f) All subsidiaries of Monsanto.**

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 37. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.**

Please see the materials already provided in Pharmacia's April 11, 2011, Response. In particular, Pharmacia refers you to the pleadings, briefs, and depositions in the action captioned *Milwaukee Die Casting Co. v. Fisher Controls International, Inc.* (No. 93-C-0325), which was filed in the U.S. District Court for the Eastern District of Wisconsin. Pharmacia was not a party to that action, and by referencing those materials Pharmacia makes no representation as to the completeness thereof or the truth of any statements therein. For the purposes of this Response, Pharmacia does not adopt or incorporate as its own any of the answers or statements in those materials. Pharmacia refers to those materials only because they appear to contain information responsive to this question. Pharmacia did not identify any other documents or information responsive to this question.

- 38. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.**

Gregory J. Slyman

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George Slyman

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Slyman Industries
(no known address)

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The authors of, and persons
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Pharmacia's Response to the
April 11, 2011, Request.

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(Mr. Schroeder was the president of Milwaukee Die Casting Co. prior to 1975. He died in March 2008.)

Other members of the Frederick Schroeder family who were involved with Milwaukee Die Casting Co. (identity not known)

Former employees of Milwaukee Die Casting Co. and other "MDCC" entities that owned the Site.

CLARIFICATION IN RESPONSE TO FISHER CONTROLS' NOVEMBER 2, 2011, RESPONSE

Paragraph 3 of Fisher's November 2, 2011, Response does not fully explain the procedural posture of the *MDCC v. Fisher* case. As explained more fully in paragraph 6 of Pharmacia's April 11, 2011 Response, the *MDCC v. Fisher* case was settled and dismissed with prejudice after a Decision and Order Granting Summary Judgment in Part was issued. The case predated the U.S. Supreme Court's decision in *Bestfoods*. It should not be considered preclusive on the issue of Fisher's, or any other party's, potential liability for any CERCLA liability of Milwaukee Die Casting Company.

Paragraphs 4 and 5 of Fisher's Response might give an inaccurate impression that the 1975 acquisition of MDCC was a merger transaction under which Fisher assumed the business operation and liabilities of MDCC. In fact, that was not the case. As shown by the documents submitted with Pharmacia's April 11, 2011, Response, Fisher owned the business and assets of Milwaukee Die Casting Company for only one day (to facilitate the transaction) before transferring them to Milwaukee Die Casting Company, Inc., which was an independent subsidiary of Fisher.

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